

REMARKS

Summary of the Office Action

The previously pending rejections of claims 1-7 and 15-23 under 35 U.S.C. § 101 have been withdrawn.

The previously pending rejections of claims 1-7 and 15-23 under 35 U.S.C. § 112, second paragraph, have been withdrawn.

Claims 1-11, 13-18, and 20-35 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 6,895,403 to *Cardwell et al. (Cardwell)*, in view of *Selling by Objective* (SBO), May 1984.

Claim 12 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Cardwell* in view of U.S. Patent No. U.S. Pat No. 6,036,345 to *Jannette et al. (Jannette)*.

Claim 19 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Cardwell*.

Summary of the Response to the Office Action

Applicants submit that all claims are allowable. Accordingly, claims 1-35 are pending for consideration.

The Rejections under 35 U.S.C. § 103(a) Should Be Withdrawn

Claims 1-35 stand rejected under 35 U.S.C. § 103(a) based either partially or entirely on *Cardwell*. Applicants respectfully traverse these rejections for at least the following reasons.

Cardwell claims priority to a provisional application filed on March 31, 2000. The Office Action of October 17, 2006 states that the Rule 1.131 Declaration dated July 31, 2006,

submitted to show diligence from constructive reduction to practice to a date prior to March 31, 2000 is insufficient. While Applicants traverse this assertion, Applicants submit concurrently with this Amendment a second Rule 1.131 Declaration with additional evidence proving that Applicants worked diligently on the invention from a time prior to October 11, 1999 until constructive reduction to practice of the claimed invention on June 5, 2000.

Shinji Yoko is the sole inventor of claims 1-27 and 30-33. As stated in the Rule 1.131 Declaration submitted concurrently with this Amendment, inventor Mr. Yoko conceived of his invention prior to the March 31, 2000 priority date for *Cardwell*, and was diligent in reducing it to practice until filing the provisional application on June 5, 2000. Since the effective date of this application (with respect to the claims solely attributable to Mr. Yoko) is prior to March 31, 2000, *Cardwell* cannot be used as a basis for rejection. Since rejection of these claims is based either partially or entirely on *Cardwell*, rejection of these claims under 35 U.S.C. § 103(a) is improper.

Accordingly Applicants respectfully assert that independent claims 1, 9, 15, 24 and 30 are allowable for at least the reasons set forth above. Moreover, Applicants respectfully submit that since all independent claims are solely attributable to Mr. Yoko, dependent claims 2-8, 10-14, 16-23, 25-29 and 31-35 are allowable at least because of their respective dependencies from independent claims 1, 9, 15, 24, and 30 and for the reasons set above. As a result, Applicants respectfully assert that the rejections under 35 U.S.C. § 103(a) are improper and should be withdrawn.

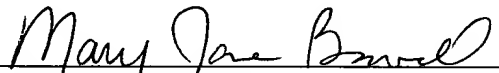
Conclusion

In view of the foregoing, Applicants respectfully request reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicants' undersigned representative to expedite prosecution. If there are any fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted

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